**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE K.M.JOSEPH**

**FRIDAY, THE 8TH JUNE 2007 / 18TH JYAISHTA 1929**

**WP(C).No. 14741 of 2007(E)**

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**PETITIONERS:**

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1. **NARAYANAN, S/O.KUNHIRAMAN,**
   **KUTTIVILAYIL HOUSE, KUMILY KARA,**
   **KUMILY VILLAGE, PEERMADE TALUK,**
   **IDUKKI DISTRICT.**

2. **FAIZAL, S/O.MUHAMMED,**
   **NALLUMKAL VALIAKANDAM, KUMILY KARA,**
   **KUMILY VILLAGE, PEERMADE TALUK,**
   **I DUKKI DISTRICT.**

3. **FRANCIS XAVIER, S/O.VARGHESE,**
   **VAZHIKAKKATH HOUSE, ROSAPPOOKKANDAM,**
   **KUMILY KARA, KUMILY VILLAGE,**
   **PEERMADE TALUK, IDUKKI DISTRICT.**

4. **RAMACHANDRAN, S/O.NALLA THAMPI,**
   **PATTANKAKKATTIL, ROSAPPOOKKANDAM,**
   **KUMILY VILLAGE, PEERMADE TALUK,**
   **IDUKKI DISTRICT.**

5. **C.K. KANI, S/O.KHAN RAWTHER,**
   **KUMILY KARA, KUMILY VILLAGE,**
   **PEERMADE TALUK, IDUKKI DISTRICT.**

6. **ABDUL SHUKKOOR, S/O.SINUDHEEN,**
   **THEKKEKARAYIL, THAMARAKANDAM,**
   **KUMILY KARA, KUMILY VILLAGE,**
   **PEERMADE TALUK, IDUKKI DISTRICT.**

**BY ADV. SRI.P.K.MUHAMMED**

**...2/-**

**RESPONDENTS:**
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1. **THE SECRETARY, KUMILY GRAMA PANCHAYAT, P.O.KUMILY, PEERMADE TALUK, IDUKKI DISTRICT.**

2. **THE PRESIDENT, KUMILY GRAMA PANCHAYATH, KUMILY P.O., PEERMADE TALUK, IDUKKI DISTRICT.**

**BY ADV. SRI.G.GOPAKUMAR (CHERTHALA), SC**
**SRI.SHINE VARGHESE**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 08/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**APPENDIX**

**PETITIONER'S EXHIBITS:**

**EXT.P1:** COPY OF THE NOTICE ISSUED BY THE TAHSILDAR, PEERMADE DTD. 13/10/2000.

**EXT.P2:** COPY OF REPRESENTATION FILED BY THE PETITIONER BEFORE THE 1ST RESPONDENT DTD. 21/07/2003.

**EXT.P3:** COPY OF THE NOTICE ISSUED TO THE 1ST PETITIONER BY THE 1ST RESPONDENT DTD. 7/01/2004.

**EXT.P4:** COPY OF THE JUDGMENT IN WP(C) NO.37808/03 DTD. 19/01/2004.

**EXT.P5:** COPY OF THE ORDER PASSED BY THE 1ST RESPONDENT SERVED ON THE 1ST PETITIONER DTD. 8/09/2004.

**EXT.P6:** COPY OF THE APPEAL MEMORANDUM FILED BY THE PETITIONERS BEFORE THE 2ND RESPONDENT DTD. 28/02/2006.

**EXT.P7:** COPY OF STAY PETITION FILED BY THE PETITIONERS BEFORE THE 2ND RESPONDENT DTD. 28/02/2006.

**EXT.P8:** COPY OF THE JUDGMENT DTD. 4/10/2004 IN WP(C) NO.28974/04 OF THIS HON'BLE COURT.

**EXT.P9:** COPY OF THE NOTICE ISSUED TO 1ST PETITIONER BY THE 1ST RESPONDENT DTD. 15/11/2005.

**EXT.P10:** COPY OF THE OBJECTION FILED BY THE PETITIONERS BEFORE THE RESPONDENTS DTD. 16/11/2005.

**EXT.P11:** COPY OF THE JUDGMENT IN WP(C) NO.32266/05 DTD. 21/2/2006.

**EXT.P12:** COPY OF THE NOTICE ISSUED BY THE 1ST RESPONDENT TO 1ST PETITIONER DTD. 24/03/2006.

**EXT.P13:** COPY OF NOTICE ISSUED BY THE 1ST RESPONDENT TO 1ST PETITIONER DTD. 24/03/2006.

**EXT.P14:** COPY OF THE ORDER IN APPEAL NO.1/06 PASSED BY 2ND RESPONDENT DTD. 27/03/2006.

**EXT.P15:** COPY OF THE ORDER IN R.P.33/06 PASSED BY TRIBUNALFOR LOCAL SELF GOVERNMENT DTD. 30/06/2006.

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**EXT.P16:** COPY OF JUDGMENT IN WP(C) NO.11451/2006 DTD. 16/10/2006.

**EXT.P17:** COPY OF NOTICE DTD. 23/04/2007 ISSUED BY 1ST RESPONDENT.

**EXT.P18:** COPY OF THE LETTER DTD. 24/04/2007 SENT BY THE PETITIONERS TO 1ST RESPONDENT.

**EXT.P19:** COPY OF THE ORDER OF THE 1ST RESPONDENT DTD. 22/05/2007.

**EXT.P20:** COPY OF THE APPEAL MEMORANDUM SUBMITTED BY THE PETITIONERS BEFORE THE PANCHAYATH BOARD, KUMILY GRAMA PANCHAYATH DTD. 30/05/2007.

**EXT.P21:** COPY OF THE STAY PETITION FILED BY THE PETITIONERS BEFORE THE PANCHAYATH BOARD, KUMILY GRAMA PANCHAYATH DTD. 30/05/2007.

**/TRUE COPY/**

*KSS*

**K.M.JOSEPH, J.**

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WP.(C) No.14741 of 2007

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Dated this the 8th day of June, 2007

**JUDGMENT**

I heard counsel for the petitioners and the respondents. Petitioners seek a mandamus not to evict the petitioners till a final decision is taken as directed by this court and also to direct the second respondent to consider and dispose of Ext.P18. Petitioners have filed I.A.7373 of 2007 in which petitioners have produced Ext.P19 dated 22.5.2007. Against the same petitioners have preferred Ext.P20 purporting to be an appeal to the Panchayat Board under Section 276 of the Kerala Panchayat Raj Act. They have also filed an application seeking stay (Ext.P21).

Having heard counsel for the petitioners and the learned counsel for the respondents, the writ petition is disposed of directing the Panchayat Board, Kumily Grama Panchayat to take up Ext.P20 appeal with opportunity of hearing to the petitioners and dispose of the matter in accordance with law within a period of six weeks from the date of receipt of a copy of this judgment. Ext.P19 will be kept in abeyance till

a decision is taken in the appeal.

(K.M. JOSEPH, JUDGE)

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